

## DISTRICT OF NEVADA

\*\*\*

FEDERAL TRADE COMMISSION,

Plaintiff,

VS.

AMG SERVICES, INC., *et al.*,

Defendants.

2:12-cv-00536-GMN-VCF

## ORDER

SECOND INTERIM APPLICATION OF MONITOR FOR  
FEES AND EXPENSES [ECF No. 1158]

Before the Court is the Notice of Second Interim Application and Interim Application of Monitor for Order Approving Fees and Expenses. (ECF No. 1158). For the reasons discussed below, the Monitor's second application is granted.

Pursuant to LR 7-2(d), the failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion. No opposition has been filed and the time to oppose has passed. Here, it would seem that the parties have consented to the granting of the instant motion.

Thomas W. McNamara, as court-appointed Monitor, has moved the Court for approval to pay invoices for fees and expenses of the Monitor and his professionals for the period January 26, 2017 through July 31, 2017.

Mr. McNamara was appointed Monitor in this matter by an Order Appointing Monitor and Freezing Assets (“Monitor Order”) filed November 30, 2016. (ECF No. 1099). The Monitor Order (Sections VIII(L)-(M) and XV) provides that the Monitor may engage attorneys and other professionals and that the fees of the Monitor and his professionals be paid from the Monitorship Estate based on

1 periodic requests to the court with the first such request filed no more than sixty (60) days after the date  
2 of the Monitor Order. *Id.*

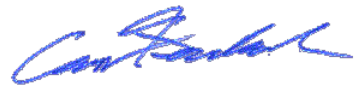
3 The Court has reviewed the Monitor's Declaration and supporting documents, accordingly, and  
4 with good cause appearing,

5 IT IS HEREBY ORDERED that and the Monitor's second application (ECF No. 1158) is  
6 GRANTED and the Monitor's requested payment is approved of the following amounts for fees and  
7 expenses: \$199,566.50 fees and \$4,422.32 expenses to the Monitor and staff to be paid to Thomas W.  
8 McNamara dba Regulatory Resolutions; \$266,210.50 fees and \$25,745.84 expenses to the Monitor's  
9 counsel, McNamara Smith LLP; and fees of \$6,721.18 and cost of \$1.09 to the Monitor's local counsel in  
10 Nevada, Ballard Spahr LLP.

11 IT IS FURTHER ORDERED that the monitorship continues in order to further pursue the duties  
12 assigned in the Monitor Order.

13 IT IS SO ORDERED.

14 DATED this 6th day of February, 2018.

15 

16 CAM FERENBACH  
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25